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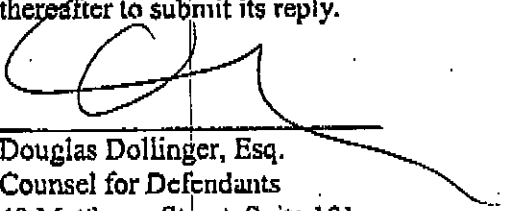
Honorable Stephen C. Robinson
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: City of Newburgh vs 96 Broadway, LLC
96 Broadway, LLC v. City of Newburgh
Our File No. 00799-55986
Orange County Supreme Court Index No. 2007-5544
Case No. 07cv 6419 (SCR)

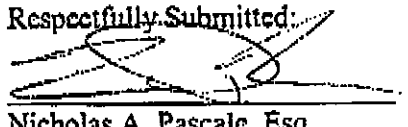
Dear Hon. Sir:

Please accept this stipulation as the parties consent that the time within which the Plaintiff City of Newburgh has to oppose the motion to dismiss filed by defendant 96 Broadway, LLC (ECF Docket #7) be held in abeyance until such time as the Court renders a decision on the City of Newburgh's motion to remand this matter to New York State Court (ECF Docket #3).

In the event the Court remands this matter to State Court the motion to dismiss will be made moot, the Court having no jurisdiction to entertain it in the first instance. In the event the Court elects to retain jurisdiction over this matter, the City would have two weeks from the date of the decision to oppose the motion to remand and the Defendant would have one week thereafter to submit its reply.


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Respectfully Submitted:


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